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# Town of Waldo Land Use Ordinance

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# TOWN OF WALDO

# LAND USE ORDINANCE

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## **SECTION I – AUTHORITY**

This ordinance is adopted pursuant to the authority in Title 30-A M.R.S.A. sections 3001 et seq., and by the authority of any other enabling statutes, and all amendments thereto.

## **SECTION II – SCOPE AND PURPOSE**

The provisions of this ordinance shall apply to new dwelling unit construction, exterior dwelling enlargement greater than 150 square feet, location and relocation of dwelling(s) or mobile home(s) or change in use to dwelling(s); and commercial and other non-residential developments as defined herein and in the Town of Waldo, Maine Site Plan Review Ordinance. The purpose of this ordinance is to assure the health, safety and general welfare of the people, to protect the environment, and to provide for orderly development in harmony and conformance with the town's comprehensive plan.

## **SECTION III – BUILDING PERMIT FOR RESIDENTIAL CONSTRUCTION**

Before any residential construction as described in Section II is commenced, the owner or lessee, or the architect, contractor or builder employed by such owner or lessee, shall obtain from the Planning Board of the Town of Waldo a permit covering such proposed work.

### **A. APPLICATION PROCESS**

The application for the permit shall be in writing and in such form as the Planning Board shall prescribe. The application shall contain as a minimum the following information:

1. A sketch, drawn to scale, showing that the proposed construction, property lines, and placement of new construction on the lot will meet the standards of this ordinance, including but not limited to area and frontage requirements.

2. If a sewage disposal system is required, the plan, approved by the plumbing inspector, shall be submitted with the application.
3. Type and location of water supply for the new or relocated dwelling.
4. Proof of sufficient right, title or interest in the form of a copy of the deed, or a copy of the lease agreement.

#### **B. APPLICATION FEE**

Each completed application shall be submitted to the Planning Board with a payment according to the fee schedule adopted by Select Board payable to the Town of Waldo. The Planning Board will issue receipt.

#### **C. APPROVAL**

The Planning Board, after reviewing the completed application, will determine compliance or noncompliance with the requirements of this ordinance and based on this determination shall either issue or deny the permit within 30 days.

#### **D. WAIVERS**

The Waldo Planning Board may grant a waiver of any submission requirement only if the Board makes a written finding that the information is not required to determine compliance with the standards. The waiver must not have the effect of nullifying the intent and purpose of this ordinance or any other town ordinance.

#### **E. APPEALS AND VARIANCES**

See Appeals Board Ordinance

#### **F. LIFE OF PERMIT**

Unless a specific extension of time is granted by the Planning Board, the approval of building permits shall expire one year from the date of approval.

### **SECTION IV – BUILDING PERMIT FOR NON-RESIDENTIAL CONSTRUCTION**

Before any non-residential construction is commenced, applicant must satisfy all applicable requirements set forth in the Town of Waldo, Maine Site Plan Review Ordinance.

## **SECTION V – RESIDENTIAL AND NON-RESIDENTIAL LOT USE**

### **A. MINIMUM LOT SIZE**

No dwelling unit or non-residential development shall be constructed, located or relocated on a lot of less than two acres.

### **B. ROAD FRONTAGE**

No dwelling unit or non-residential development shall be constructed, located or relocated on a lot having frontage of less than 200 contiguous feet. Such frontage shall be on a public or private road and may only be waived for residences in the case of “backlot” development or in the case of subdivisions with approved “cluster housing” as defined by the Town of Waldo Subdivision Ordinance.

### **C. BACK LOT DEVELOPMENT**

Development of so-called “back lots” (those lots with no frontage on an existing road) is allowable, provided:

1. Such lots shall have access to a public road by way of a deeded easement or right-of-way of not less than fifty (50) feet in width and four hundred (400) feet in length. The right-of-way shall not be included in the calculation of the minimum lot area of the back lot. No dwelling or commercial structure is allowed within the right-of-way.
2. Wherever possible, the right-of-way shall be located along one property line of property with frontage.
3. The back lot shall be a minimum of two acres, generally rectangular in shape, and have no side with a length of less than 200 feet.

Utility or right-of-way easements shall not be subtracted from the footage measurement or affect contiguity of frontage for lots with a minimum 200 feet along an existing public or private road. However, if the right-of-way is owned in fee simple absolute by the back lot, the width of such strip would be subtracted from both the frontage and lot size requirements of front lot.

### **D. DIVISION OF EXISTING LOTS**

In dividing a lot or parcel of land where a dwelling and/or commercial entity exist or where multiple dwellings and/or commercial entities exist it shall be mandatory to retain enough land so that the existing dwelling(s) or commercial entity(ies) will meet the same minimum road frontage and lot size standards as are required by this Ordinance.

#### **E. LOT SIZE FOR MULTIPLE DWELLING UNITS**

If more than one dwelling unit and/or commercial building is constructed or located on a single lot, the minimum lot size must be two acres per dwelling unit and/or commercial building and the minimum frontage must be 200 feet per dwelling unit and/or commercial building. The applicant must present a sketch, drawn to scale, showing that these area and frontage standards will be met. Accessory apartments are exempt from these additional standards, as are home occupations. The accessory apartment will be approved only if the applicant has demonstrated that the proposed unit meets the following standards:

1. The principal unit and the accessory apartment shall remain under common ownership and shall be owner-occupied at all times.
2. The accessory apartment shall not alter the character of the building as a single-family dwelling.
3. The accessory apartment must connect to the primary unit via an interior doorway. Additional front entrances prohibited.
4. The accessory apartment must use the existing unit's utilities and meters.
5. One driveway shall service both dwelling units.
6. Only one accessory apartment is allowed per primary unit.

#### **F. MAXIMUM SIZE FOR RETAIL ESTABLISHMENT**

No single retail establishment, whether located in a single building or combination of buildings, shall exceed 30,000 (thirty thousand) square feet of gross floor area in the aggregate.

The term “gross floor area” shall include indoor and outdoor space utilized for retail display and sale of goods. The gross floor area of adjacent stores shall be aggregated in cases where the stores (1) are engaged in the selling of similar or related goods, wares or merchandise and operate under common ownership or management; (2) share check stands, a warehouse, or a distribution facility; or (3) otherwise operate as associated, integrated or co-operative business enterprises.

#### **G. GRANDFATHER CLAUSE**

Any non-conforming, on record as of March 8, 1976, use or structure damaged, destroyed, or willfully removed by any fire or cause other than the willful act of the owner or his/ her agent may be restored, replaced or reconstructed within two (2) years of the date of said damage or destruction provided that: (1) a non-conforming structure shall not be enlarged except in conformity with this Ordinance and the Maine State Plumbing Code; (2) a non-conforming use shall not be expanded in area.

*NOTE: This provision only applies to areas not located in the Shoreland Zone or Resource Protection Area.*

#### **SECTION VI – ENFORCEMENT AND PENALTIES**

It shall be the duty of the CEO to enforce the provisions of this Ordinance. If the CEO finds that any provision is being violated, he or she shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land and structures; work being done; removal of illegal structures. If involving a health and/or safety hazard, the violation shall be corrected within seven days; if not involving health and/or safety hazards, it shall be corrected within thirty days.

When the above action does not result in the corrections of the violation within the specified time period, the Code Enforcement Officer, with prior approval from the Selectmen, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions to halt further construction and the imposition of fines that may be appropriate or necessary to enforce the provisions of the Ordinance in and for the Town of Waldo.

Any person or persons, firm or corporation owning or having control of any building or premises or other persons such as subcontractors who continues to violate any provision of this Ordinance after having received notice as required above of such violation, shall be guilty of a

Civil violation, and upon conviction shall be fined a minimum of \$250 and a maximum of \$5,000 for each offense. Each day such a violation is continued shall constitute a separate offense.

#### **SECTION VII – SEVERABILITY**

The invalidity of any section or provision of the Ordinance shall not be held to invalidate any other section or provisions of the Ordinance.

#### **SECTION VIII – AMENDMENTS**

This Ordinance or any part thereof may be amended by a majority of legal voters present and voting at a Town Meeting.

#### **SECTION IX – EFFECTIVE DATE**

The provisions of this Ordinance shall become effective when enacted by the voters of the Town of Waldo and shall replace the present ordinance.